

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

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[www.montgomerycountymd.gov/content/council/boa/index.asp](http://www.montgomerycountymd.gov/content/council/boa/index.asp)

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, January 23, 2008, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, January 9, 2008 Worksession.

Action: Approved, (WMH/CLH, 4-0/DKP/abstained).

2. **A-6232, Appeal of Raymond M. and Vivian Hunsley** (Department of Permitting Services – Notices of Violations dated August 20 and 22, 2007). Letter to the Board from the appellants requesting a refund of the filing fee.

Action: Granted 100% (\$200.00) refund of the filing fee, (CGT/DKP, 5-0).

3. **CBA-1174-D [S-2467, S-2503-A], Petition of Holton Arms School** (private educational institution, child day care facility, summer camp). Comments and analysis from Martin Klauber, People's Counsel, regarding Condition No. 5 of the Board's Opinion dated 1/5/07.

Action: (1) Re-opened the record to include Mr. Klauber's comments and analysis; (2) the Board will hold a public hearing on a.m. and p.m. queuing and trip generation rates, (DKP/CLH, 4-1/CGT/opposed).

4. **CBA-1196, Petition of Joseph F. Fernebok, CBA-1472, Petition of Farragut St. Venture and Theo R. Crutchfield, S-35, Petition of G. A. Schlesinger** (off-street parking). Letter to the Board from Stanley Abrams, Esquire, requesting an extension of time to permit the submission of a revised site plan and a forthcoming administrative modification request in connection with Case No. S-35.

Action: (1) Re-opened the record to include Mr. Abrams' letter; (2) granted a 45-day extension of time, (WMH/DKP, 5-0).

5. **CBA-2986, Petition of Leafy House, Inc.** (care home). Letter to the Board from Donna McBride, Esquire, requesting a transfer of the special exception.

Action: (1) Granted the transfer of the special exception with the condition that the landscaping is installed by 5/1/08 with the consummation of sale; (2) schedule Show Cause Hearing, (DKP/CLH, 5-0).

6. **S-274-C, Petition of Suburban Hospital** (hospital). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire, submitting a noise map as required in Condition No. 12 of the Board's Opinion dated 12/13/07.

Action: Re-opened the record to include the letter with attachment from Ms. Sears and Ms. Girard, (CGT/DKP, 4-0/WMH/recused).

7. **S-569 [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery and retail sales). Letter to the Board from Rebecca Walker, Esquire, requesting an administrative modification. [Large exhibit: existing conditions plan]. Also included on behalf of the Orchard Knolls Homeowners Association is a letter from David Gardner, Esquire.

Action: (1) Re-opened the record to include the letter from Ms. Walker and the memorandum from Ms. Piczak; (2) schedule Show Cause Hearing; (3) administrative modification request deferred, (CLH/CGT, 5-0).

8. Pending Item. **S-692, Petition of Potomac Conference Corporation of Seventh Day Adventists** (charitable and philanthropic institution). Letter to the Board from Anthony Bruce, Assistant to the Director, requesting an administrative modification [Large exhibits: location plan, site plan, plan details, elevations].

Action: (1) Re-opened the record to include Mr. Bruce's letter with attachments; (2) the Board requested additional information regarding the special exception meeting the parking requirements after implementation of the administrative modification, (DKP/CGT, 5-0).

9. **S-922, Petition of Hwa Ji Golden** (accessory apartment). Letter to the Board from Octavia Bongam requesting a rehearing or reconsideration.

Action: Denied request for rehearing or reconsideration, (CGT/WMH, 5-0).

10. **S-981, Petition of Mary Louise Woodward** (accessory apartment). Letter to the Board from Wai Chiu Lam and Rui Yu Li requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CLH/DKP, 5-0).

11. **S-1075, Petition of Exxon Corporation** (automobile filling Station). Letter to the Board from Susan Carter, Esquire, submitting a revised landscape plan [Large exhibit: revised landscape plan].

Action: (1) Re-opened the record to include Ms. Carter's letter with attachment; (2) dismissed the Show Cause Hearing; (3) granted the administrative modification, (CLH/WMH, 5-0).

12. **S-1192, Petition of Robert E. and Brenda R. Holmes** (child day care facility). Letter to the Board from Gayan and Semera Fahnbulleh requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (CGT/CLH, 5-0).

13. **S-1205, Petition of Martin Clancy** (accessory apartment). Memorandum from Robert Goff, Inspector, Department of Housing and Community Affairs (DHCA) notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from the property owner.

Action: Revoked the special exception as abandoned, (WMH/DKP, 5-0).

14. **S-1214, Petition of Beverly A. Kasmarzyk** (accessory apartment). Memorandum from Stephen Morris, Inspector, DHCA, notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from property owner.

Action: Revoked the special exception as abandoned, (CGT/WMH, 5-0).

15. **S-1430, Petition of Richard and Maureen Roden** (accessory apartment). Letter to the Board from Jennifer and James Fisher, Jr. requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/DKP, 5-0).

16. **S-2648, Petition Metropolitan Washington Orthodox Seniors Housing, Inc.** (housing for the elderly and handicapped). Letter to the Board from Jody Kline, Esquire, requesting an extension of time.

Action: Granted a one year extension of time, (CGT/WMH, 5-0).

#### **PENDING ITEMS:**

17. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Second Status Report from Todd Brown, Esquire. (1) Re-opened the record to include the Second Status Report from Todd Brown; (2) the Board will receive Status Reports on 1/15/07 and 4/1/07 [W/S 10/25/06]. (1) Re-opened the record to include the status report from Mr. Brown; (2) Mr. Brown to provide a status/progress report to BOA at its 5/2/07 Worksession [W/S 2/28/07]. Status Report from Todd Brown, Esquire [W/S 10/17/07].

**PENDING ITEMS (continued):**

18. **A-6190, Appeal of Amanda Enterprises, LLC** (Department of Permitting Services – Notice of Violation dated November 13, 2006 and Use and Occupancy Certificate No. 250849). BOA to receive a status report from the appellant by 6/15/07 [Pre-hearing Conference held on 3/14/07].
19. **CBA-2827, Petition of KMD Group, Inc.** (automobile filling station). Petitioner to submit an accurate as-built special exception site plan on or before 2/4/08 [Resolution dated 12/20/07].
20. **CBA-2924, Petition of RMC Partnership** (medical and dental clinic). Letters to the Board from Jane Ho, Esquire, and Benjamin Akintan, Rph, requesting a transfer and an administrative modification (Large exhibits: cover sheet, existing and demolition plan, modification elevations, construction details, survey). Item deferred for additional information [W/S 7/18/07].
21. **S-692, Petition of Potomac Conference Corporation of Seventh Day Adventists** (charitable and philanthropic institution). Letter to the Board from Anthony Bruce, Assistant to the Director, requesting an administrative modification [Large exhibits: location plan, site plan, plan details, elevations]. Item deferred for detailed information regarding the requested administrative modification and whether the special exception complies with its terms and conditions and with all the development standards [W/S 10/17/07].
22. **S-738-B, Petition of McDonald's Corporation** (drive-in restaurant). Letters to the Board from Marla Blair, Counsel, McDonald's Corporation and Lorraine Vismara, requesting an administrative modification. (1) Granted the request to add Lorraine Vismara as a co-holder of the special exception; (2) request DPS inspection of the special exception. Request for 24-hour operations deferred for additional information [W/S 1/9/08].
23. **S-2359, Petition of Potomac Foods Company III, Inc.** (drive-in restaurant). Letter to the Board from Clara Willis, District Manager, requesting an administrative modification. Item deferred for additional information about the number of trips during the current hours of operation and anticipated trips during the expanded hours [W/S 1/9/08].
24. **S-2471, Petition of Kids 'N Care Learning Center** (child day care facility). Letter from Casey Moore, Esquire, submitting the additional information requested by the Board on the special exception staff parking. Item deferred until 1/9/08 Worksession [W/S 12/12/07].

**Board Members**

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